

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRESENT: THE HONORABLE BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT JUDGE

DATE: March 10, 2003

BIANCA FAUST, individually and as
guardian of GARY C. FAUST, a
minor, and BIANCA CELESTINE MELE,

Plaintiffs,

v.

BELLINGHAM, WASHINGTON LODGE #493
LOYAL ORDER OF MOOSE, INC., et
al.,

Defendants.

FILED
LODGED
ENTERED
RECEIVED

MAR 10 2003

AT SEATTLE
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

NO. C01-1915R

IN CHAMBERS PROCEEDINGS:

On February 10, 2003 the court held a status conference with the parties to discuss which of plaintiffs' experts may submit reports and testify at trial. At the conference, the court ruled that any of plaintiffs' experts named after the November 20, 2002 deadline were barred from testifying at trial.

The parties now seek clarification [doc. 64-1] concerning which of plaintiffs' timely named experts may be permitted to submit their reports after the January 21, 2003 deadline for submission of such reports. Defendants oppose the submission of these experts' reports on numerous grounds, including on timeliness grounds in light of the approaching April 7, 2003 trial date.

Having reviewed the parties' briefs, together with the remaining record, the court rules that, among the disputed experts at issue, plaintiffs may rely on the expert testimony of Fred Del Marva, Dr. Fred Cushner, and Dr. Michael Gannon. Experts Woodard and Goldfogel are excluded. The remaining disputed "experts" -- Drs. Shapiro and Gold -- are, it appears, plaintiffs' treating physicians and shall be permitted to testify on that basis. Any remaining discovery as to these experts must be conducted without delay.

MINUTE ENTRY - March 10, 2003

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